

**Maryland Board of Pharmacy
Public Meeting
Minutes**

Date: May 18, 2011

Name	Title	Present	Absent	Present	Absent
Bradley-Baker, L.	Commissioner	X		9	2
Chason, D.	Commissioner	X		10	1
Finke, H.	Commissioner	X		11	0
Gavani, M. Z.	Commissioner	X		8	1
Handelman, M.	Commissioner	X		9	2
Israbian-Jamgochian, L.	Commissioner/Treasurer	X		11	0
Matens, R.	Commissioner	X		11	0
Souranis, M.	Commissioner//President	X		11	0
St. Cyr, II, Z. W.	Commissioner	X		9	2
Taylor, D.	Commissioner	X		10	1
Taylor, R.	Commissioner/Secretary	X		10	1
Zimmer, R.	Commissioner	X		10	1
Bethman, L.	Board Counsel	X		11	0
Banks, T.	MIS Manager	X		11	0
Wu, Y.	Compliance Manager	X		4	0
Daniels, D.	Licensing Manager	X		11	0
Gaither, P.	Administration and Public Support Manager	X		10	1
Jeffers, A.	Legislation/Regulations Manager	X		10	1
Naesea, L.	Executive Director	X		11	0

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Board Action
I. Executive Committee Report(s)	A. M. Souranis, Board President	<p><i>Members of the Board with a conflict of interest relating to any item on the agenda are advised to notify the Board at this time or when the issue is addressed in the agenda.</i></p> <ol style="list-style-type: none"> M. Souranis called the Public Meeting to order at <u>9:42</u> A.M. M. Souranis requested all meeting attendees to introduce themselves and to remember to sign the guest list before leaving the meeting. M. Souranis asked guests to indicate on the sign-in sheet if they were requesting CE Units for attendance. M. Souranis reported that guests will be given packets of materials so that they can follow meeting discussions. He requested that all guests return their draft packets before they left the meeting. Review & Approval of Minutes of April 20, 2011. Page 1, Section I, remove defer from motion number 4. Page 2, Section I, section C add licensee and technician. Page 21, Section III B remove word "fault" from motion B8 and add "unless delays due to processing issues by the Board." 	<p>4. Motion: to accept minutes as amended Motion: R. Matens</p> <p>Seconded: D. Taylor</p>	<p>Board Action: The Board voted to approve</p>

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II. Staff Operations Report (s)	A. L. Naesea, Executive Director	<p><u>1. Operation Updates:</u></p> <p>L. Naesea reported on the following: The Board is preparing for the full Sunset Review, which is scheduled to begin in the next week or two. The Sunset Review will be completed before October 31, 2011. Reviewers will attend Board meetings, perform interviews, and examine Board documents related to expenditures, revenue, licensing, complaints, and disciplinary actions.</p> <p>L. Naesea congratulated Demetrius Daniels for professionally addressing consumer concerns and reorganizing the Licensing Unit. Phone calls and complaints have reduced significantly since the Board has come close to being fully staffed.</p> <p>T. Banks and L. Naesea met twice with the Gantec and Systems Automation representatives in the past month to discuss progress of the MIS project. T. Banks will provide more details in her report.</p> <p>There was a manager's meeting on April 21, 2011 and a general staff meeting on May 2, 2011 to discussed methods to greatly reduce technician complaints. Planning for the next Board retreat was discussed at those meeting.</p> <p>L. Naesea informed Board Members that they may expect a higher rate of absences due to required staff furloughs, as the end of the fiscal year gets closer.</p> <p><u>2. Meeting Updates:</u></p> <p>-N. Dupye and L. Naesea met with representatives from the City Health Department's Senior Aides Program for an annual site visit. The Board signed a commitment to continue as a placement site for another year. Board representatives asked that the same two Aides be reassigned after their year- long placements end in June. A response was not provided during that meeting. The City representative indicated that they were pleased with what the skill set provided to the Senior Aides by the Board.</p> <p>-May 11, 2011 - R. Zimmer participated in a technician training program conducted by the Maryland State Department of Education (MSDE) where he discussed requirements for technician candidates who enroll</p>		

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		<p>in training programs through their high schools.</p> <p>-May 17, 2011 - A. Jeffers and L. Naesea met with Secretary of DHMH, Dr. Joshua Sharfstein and his Chief of Staff, Wendy Kronmiller to discuss the Board proposed Delivery of Prescriptions regulations. Dr. Sharfstein asked that the Board address several questions before the department determines whether to sign-off on the proposed regulations. , 1) is there one goal range of temperatures that all medications should stay within upon delivery or will the required temperature range vary for different types of medications and who would determine those ranges; 2) how can one determine if a medication has loss integrity because of improper handling by the patient subsequent to delivery (such as placing on a hot window sill) or because of the time and/or manner that it was delivered; 3) would the Board consider removing the temp control sensor language and focusing on language related to enclosing patient warnings and cautionary literature enclosed with mailed packages.</p> <p>May 10, 2011 - M. Souranis and L. Israbian-Jamgochian attended a special meeting at Johns Hopkins Bayview hosted by Governor O. Malley, Secretary Sharfstein and others to discuss Prescription Drug Monitoring.</p> <p>May 10, 2011 - L. Bradley-Baker, A. Jeffers, and Y. Wu attended the DelMarva Spring Conference on Sustaining Healthcare Quality Improvements through Partnerships.</p> <p>March & April 2011 - D. Taylor and R. Matens attended two of the three DHMH meeting for Expedited Partner Therapy Stakeholders.</p> <p>3. <u>NABP National Meeting Discussion Items-</u></p> <p>June 20, 2011, L. Israbian-Jamgochian will attend to the NABP Annual meeting. NABP resolutions were reviewed by Board members</p> <p>a. Task force to evaluate and develop recommendations for a safe, secure, and accountable means of disposing of controlled substances in practice sites.</p> <p>b. Update District 3 rotation list for 2011-2018.</p> <p>c. Task force on drafting uniform defined terms that impact new technology used to support preparation, delivery/distribution, dispensing and administration of medication.</p> <p>d. Recognition of sponsors, recognition of hosts for the 2010 district 5</p>	<p>Motion: D. Chason made a motion to take the Delivery of Prescription regulations back to the Practice Committee for consideration of the Secretary's comments.</p> <p>Seconded: R. Zimmer</p> <p>3a- Motion: D. Chason moved to amend resolution 3a. To add "pharmacies" in the language along with "practice sites." Seconded: D. Taylor</p> <p>3b- Motion: D.</p>	<p>Board Action: The Board voted to approve the motion to return regulations to the Practice Committee.</p> <p>Board Action: The Board voted to approve motion to amend 3a.</p> <p>Board Action: The Board voted</p>

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		meeting, district 5 study grant for 2011/2012, appreciation and honorarium of district secretary/ treasurer, Howard Anderson, and US Canada reciprocity study.	Taylor to support Seconded: D. Chason	to approve motion 3b
		e. Information exchange for prescription monitoring programs.	3c- Motion: D. Taylor to support Seconded: D. Chason	Board Action: The Board voted to approve motion 3c
		f. Control and accountability of controlled substances.	3d- Motion: R. Zimmer moved to support the motion. Seconded: R. Matens	Board Action: The Board voted to approve motion 3d
		g. Pharmacist and pharmacy care.	3e- Motion: R. Matens no position Seconded: R. Zimmer	Board Action: The Board voted to approve motion 3e
		4. Board /Staff Retreat- The Board/Staff retreat is tentatively scheduled on November 2-3, 2011. Board members were asked to provide two representatives to work with staff on a planning committee to plan and recommend the retreat location and program content for the two days.	3f- Motion: R. Matens no position Seconded: H. Finke	Board Action: The Board voted to approve motion 3f
		5. MedChi Letter- L. Naesea requested the Board to ratify a letter sent to Joseph Schwartz of MedChi regarding information contained in their end of session report on the 2011 Legislative Session.	3g- Motion: D. Taylor to support Seconded: Z. St. Cyr 4 M. Gavagani and R. Matens volunteered to participate on the committee.	Board Action: The Board voted to approve motion 3g
			5- Motion: to ratify MedChi letter	Board Action: The Board voted

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			D. Taylor Seconded: H. Finke	to approve the MedChi
	B. P. Gaither, APS Manager	<p>1. P. Gaither reported on the following Staffing Updates:</p> <p>The Board has two and one-half staff vacancies remaining, including, the 1.0 FTE Office Secretary II (OSIII) position in the Compliance Unit, the 1.0 FTE Executive Secretary position and the .5 FTE Pharmacist Inspector position. Personnel staff received approval of the freeze exempt request for the OSIII position and is moving forward with the recruitment process. The Executive Secretary position is in recruitment (If N. Dupye is approved for the Executive Secretary position, her Office Secretary I position will becomevacant.) The Board is still appealing the freeze exempt denial to recruit a 50% Pharmacist Inspector position.</p>		
	C. D. Daniels, Licensing Manager	<p>Licensing Unit Updates:</p> <p>The Board had a total of 18,819 licensees at the end of April 2011, including: 8,707 pharmacists, 1,749 pharmacies, 702 distributors and 7,661 technicians.</p>		
	D. T. Banks, MIS Manager	<p>All of the hardware ordered for the database has been delivered. It will be set up in the near future. The Board is now operating on our own equipment. The equipment will be moved to a permanent location and monitoring will perform from the remote location in Jessup.</p> <p>T. Banks will be attending an in-house online Crystal Report training. The crystal report is an application needed for the new system. M. Hsu will be attending the training in June.</p> <p>M. Hsu will be working on <i>cleaning up</i> and reformatting existing Board data so it can be moved into the new system.</p>		

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	E. Y. Wu, Compliance Officer	<p>1. Inspection Program Report:</p> <p>A total of 121 inspections were completed in April of which: 103 were annual pharmacy inspections, 6 were pharmacy openings, 4 were pharmacy relocations, and 8 others related to investigation. The Board is still receiving inspection reports for wholesale distributors that were referred to NABP to act as the Board's agent.</p> <p>2. Compliance Unit Updates:</p> <p>The Board received 52 complaints in the month of April.</p> <p>3. PEAC Update-</p> <p>Tony Tommasello reported the following: PEAC has 19 cases. There was one new case for the month of April. 45 drug tests were ordered for the month of April with none was positive.</p>		
	F. A. Jeffers, Regs/Legs. Manager	<p>1. Status of Proposed Regulations</p> <p>10.34.03 Inpatient Institutional Pharmacy</p> <p>Anticipated to be published June 3, 2011 with comment period through July 5, 2011</p> <p>10.34.14 Opening and Closing of Pharmacies</p> <p>The Practice Committee is continuing discussions concerning expiration of pharmacy permits for unopened pharmacies.</p> <p>10.34.23 Pharmaceutical Services to Patients in Comprehensive Care Facilities</p>		

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		<p>Notice of Final Action anticipated to be published on May 20, 2011.</p> <p>10.34.25 Delivery of Prescriptions Submitted for publication August 4, 2010. Report on meeting held May 17th with DHMH regarding the proposal.</p> <p>Anna Jeffers reported on a meeting held with Secretary Sharfstein, Wendy Kronmiller, Michele Phinney, LaVerne Naesea and Anna Jeffers to discuss COMAR 10.34.25 and the temperature sensing device requirement. Secretary Sharfstein is not opposed to implementing new ideas, but would like a "white paper" on temperature sensing devices and the necessity for requiring them for mail order prescription medications. He would be willing to sign off on the proposal without the temperature sensing device language.</p> <p>This matter was returned to the Practice Committee for further deliberations.</p> <p>10.34.32 Pharmacist Administration of Vaccinations (to be promulgated in consultation with the Department pursuant to SB 845)</p> <p>The Practice Committee is continuing discussions concerning requirements for administration of influenza vaccines to individuals 9 years of age and older.</p> <p>10.34.33 Prescription Drug Repository Programs</p> <p>A Board Subcommittee is continuing to work on wording and waiting for the promulgation of the federal regulations this summer. Meeting to be scheduled with the Attorney General's Office in the near future.</p> <p>10.34.35 Infusion Pharmacy Services in an Alternate Site Care Environment</p>	<p>Motion: made to send 10.34.25 back to Practice Committee</p> <p>Seconded: R. Zimmer</p>	<p>Board Action: The Board voted to approve motion</p>

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		<p>Proposal submitted to OHCQ and the Department April 26, 2011.</p> <p>10.13.01 Dispensing of Prescription Drugs by a Licensee</p> <p>A meeting was held with representatives from the stakeholder Boards per direction from Wendy Kronmiller on September 30, 2010.</p> <p>DDC PIA request for Inspection Reports – DDC requested an extension until December 17th – Received December 16, 2010.</p> <p>Legislation was introduced, but did not pass.</p> <p>The Senate Education, Health and Environmental Affairs Committee, Health Subcommittee will meet in June to determine the summer schedule to assist the Boards in resolving the dispensing of prescription drugs by licensees.</p> <p>2. Status of Proposed Legislation</p> <p>To be discussed at the June Board Meeting.</p> <p>Anna Jeffers announced that there will be a Bill Signing Ceremony in Annapolis tomorrow at 11 am for SB770/HB460.</p> <p>3. Delmarva Foundation Conference – Sustaining Healthcare Quality Improvement: Transformations through Partnerships</p> <p>Handouts are available at the following website: http://www.delmarvafoundation.org/events/cop_7/index.asp</p> <p>1. Review of Draft Regulations</p> <p>10.34.28 Automated Medication Systems</p> <p>Board approval requested to release the proposal for informal comment:</p>	<p>Motion: made to send back to Practice Committee</p> <p>Seconded: R. Zimmer</p>	<p>Board Action: The Board voted to approve motion</p>

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		<p>proposed-7-10 COMAR 10.34.28 Auto Med Systems 042711 revisions</p> <p>Discussion ensued concerning pharmacist review within 24 or 72 hours of removal of medications from a decentralized automated medication system by a physician or nurse for administration or as a starter dose.</p> <p>The draft proposal was returned to the Practice Committee for further deliberations.</p> <p>2. Immunizations</p> <p>Board approval requested for additional vaccinations that would be in the best health interests of the community.</p> <p>A meeting with the Board of Physicians and the Board of Nursing to be scheduled.</p> <p>The Board approved "travel vaccines" and tetanus as vaccinations that would be in the best health interests of the community. Anna Jeffers will proceed with contacting the Board of Physicians and the Board of Nursing to convene a meeting for joint agreement.</p>	<p>Motion: To add the list of travel vaccine and to add tetanus to the list</p> <p>Motion: Legislation committee</p> <p>Seconded: L. Israbian-Jamgochian</p>	<p>Board Action: The Board voted to approve motion</p>
III. Committee Reports	A. H. Finke, Chair, Practice Committee	<p>2.. Letters for Board Approval</p> <p>a. Susan Pierce, Target</p> <p><u>MD Pharmacist Non-Dispensing Activities Question</u></p> <p><u>Draft - Bd Response - non-dispensing activities</u></p> <p>Thank you for contacting the Maryland Board of Pharmacy concerning the requirements for a pharmacist to provide immunizations, counseling and other non-dispensing activities in medical clinics located within a Target retail store, yet located in a separate non-adjacent location to the Target Pharmacy.</p> <p>Although not specifically addressed in the Maryland Pharmacy Act and Board of Pharmacy Regulations, please be advised that a pharmacy permit</p>	<p>2a- Motion:</p> <p>_____ moved to add the word "simultaneously"</p> <p>Seconded: R. Matens</p>	<p>2a- Board Action: The Board voted to approve amended motion.</p>

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		<p>holder may not assign the same pharmacist to work simultaneously in both the pharmacy and the medical clinic in separate locations in a store. Counseling, however; may be performed by the pharmacist at an adjacent location to the pharmacy.</p> <p>Additionally, please be aware that a pharmacist may not direct patients at the medical clinic to the store pharmacy. See Health Occupations Article, § 12-403(b)(7) and (8), Annotated Code of Maryland.</p> <p>b. Dr. Seth Cohen and Lola Gbadamosi, Holy Cross Hospital</p> <p><u>Holy Cross - OR techs restocking anesthesia carts</u></p> <p><u>Draft - Bd Response - OR techs restocking anesthesia carts</u></p> <p>Thank you for contacting the Maryland Board of Pharmacy concerning whether Operating Room (OR) technicians may handle medications for purposes of restocking anesthesia carts used by anesthesiologists.</p> <p>Please be advised that in the hospital setting, OR technicians, working under the supervision of an anesthesiologist, may pick up medications that are “tamper evident” from the pharmacy and restock anesthesia carts used by anesthesiologists in the operating room, so long as the pharmacy has oversight of the process which includes the return of any unused medications. Once the medications are received in the operating room, the medications then become the responsibility of the anesthesiologist.</p> <p>c. Susan Wagner, Cardinal Health</p> <p><u>Hospital supplying first dose to LTC - Cardinal Hlth</u></p> <p><u>Draft - Bd Response - hospital supplying 1st dose to LTC</u></p> <p>Thank you for contacting the Maryland Board of Pharmacy concerning how a hospital may provide the first dose to a patient newly admitted to a nursing</p>	<p>2b- Motion:</p> <p>moved to revise adding “in a hospital setting” and “once the medications are received in the operating room, the meds then become the responsibility of the anesthesiologist.”</p> <p>Seconded: R. Zimmer</p> <p>2c- Motion: Practice Committee</p> <p>Seconded: D. Taylor</p>	<p>2b- Board Action: The Board voted to approve the revisions.</p> <p>2c- Board Action: The Board voted to approve motion.</p>

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		<p>home so the patient may have medication until the comprehensive care provider may make delivery.</p> <p>The comprehensive care pharmacy provider may outsource the first dose to the hospital pharmacy for discharge dispensing to a patient newly admitted to a nursing home from the hospital. See the Code of Maryland Regulations (COMAR) 10.34.04.06 Outsourcing of a Prescription Order.</p> <p>d. Barbara Denrich, ALCO Pharmacy</p> <p><u>Repackaging in Group Homes</u></p> <p><u>Draft - Bd Response - repackaging in Group Homes</u></p> <p>Thank you for contacting the Maryland Board of Pharmacy concerning how to blister package medications for Group Homes where the medications are labeled by the manufacturer to be “dispensed in the original container.” There is a Developmental Disabilities Administration (DDA) requirement that medications dispensed to Group Homes be blister packaged for compliance reasons. Given that the font size on many labels on the original manufacturers packaging is very small, you had also asked for a list of medications that are required to be dispensed in original containers so that those medications are not mistakenly blister packaged.</p> <p>Please refer to the Code of Maryland Regulations (COMAR) 10.22.02.12 which addresses this issue:</p> <p>D. In order to ensure the health and safety of individuals who require staff assistance in the administration of medication, the licensee shall:</p> <p>(1) Require that all medication be administered in accordance with the Administration's curriculum on medication training;</p> <p>(2) Provide oral, solid medications in a unit dose package unless an individual's IP (<i>Individual Plan</i>) indicates that this is not required;</p>	<p>2d- Motion: Practice Committee</p> <p>Seconded: D. Taylor</p>	<p>2d- Board Action: The Board voted to approve motion</p>

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		<p>(3) Provide medication for an individual who is absent from a program in a separate, pharmaceutically prepared package that is easily identified by the individual administering the medication; and</p> <p>(4) Request, from the pharmacy, computer-generated medication administration records, treatment administration records, and physician medication order forms.</p> <p>Please be advised that the Board does not have a list of medications that are required to be dispensed in the original container.</p>		
	B.D. Chason, Chair, Licensing Committee	<p>1. Elbers, Samuel- Pharmacist requested a waiver of the reinstatement fee. S. Elbers renewed online 12/28/2010 but did not have his (2) live CE's. The Board received the live CE's on 02/10/2011. Pharmacist is indicating due to personal circumstance he was unaware of the live CE requirements.</p> <p>2. Received renewal application. Question arose whether to allow a pharmacist to use attendance at legislation sessions as continuing education. He has used legislation sessions for CE's in the past.</p>	<p>B1- Motion: Licensing Committee moved to accept late completion of live CE</p> <p>Seconded: R. Zimmer</p> <p>B2- Motion: Licensing Committee moved to accept the attendance at legislative sessions in lieu of CE for this renewal with notification indicating next renewal will require traditional CE</p> <p>Seconded: H. Finke</p>	<p>B1- Board Action: The Board voted to approve</p> <p>B2- Board Action: The Board voted to approve</p>

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		3. <u>DosReis</u> , Susan- Request waiver of reinstatement fee because the applicant did not have any record of receiving the post card reminder of the expiration of the license.	B3 Motion: Licensing Committee moved to deny the request Seconded: M. Gavvani	
		4. Neb Doctors of Maryland- The original application was renewed 2/4/2011 and was approved. Requesting waiver of application for due to location change.	B4 Motion: Licensing Committee moved to deny request Seconded: R. Zimmer	
		5. Exel Inc- designated Representative has criminal record	B5 Motion: Licensing Committee moved for Administrative Denial because there is no VAWD accreditation. Seconded: D. Taylor	
		6. Suburban Hospital Pharmacy Technician Certification Program	B6 Motion: Licensing Committee moved to notify applicant that examination or training program is not approvable and must be resubmitted Seconded: R. Zimmer	
		7. Applicant Attestation Questions	B7 Motion: Licensing Committee moved for discussion	

Field Code Changed

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	C. L. Bradley-Baker, Chair, Public Relations Committee	<p>L. Bradley-Baker reported the following: The Board participated in the Annual Flower Mart that was held on May 6, 2011. The Public Relations Committee thanked R. Zimmer, board staff, and students for supporting the event.</p> <p>The Board Annual CE breakfast is tentatively scheduled on October 2, 2011 at Cross Keys. L. Bradley-Baker asked for topic suggestions from the Board.</p>		
	D. D. Taylor, Chair, Emergency Preparedness Task Force	<p>D. Taylor reported the following: The Emergency Preparedness Task Force participated in the statewide emergency drill on May 4, 2011. DHMH assigned pharmacy specific duties including to sort a mixed lot of merchandise by type of medication and expiration date. The pharmacist task force members were also assigned two orders that were submitted by two different pods in the state. They picked out the merchandise and prepared it to be shipped out. The task force also assigned themselves to hook their computers in a pharmacy area and operating as an integrated pharmacy unit. They also conducted an employee dispensing drill where they actually went through the procedures for dispensing medications to employees. R. Zimmer was the pharmacy liaison for the drill. The task force was only active for two hours and was able to accomplish all pharmacy tasks including the self-assigned tasks. D. Taylor said that the SNS state coordinator was very pleased with pharmacy task force efforts and the drills went extremely well.</p>		
	E. L. Israbian-Jamgochian, Chair Disciplinary Committee	<p>L. Israbian- Jamgochian reported that there has been a lot of confusion about pharmacy technician's registration. As the Board Inspectors have been going into pharmacies, they are finding that some technicians are not registered or has expired registration. A new hire has a maximum of six months from hire to become registered with the Board as long as they are enrolled in a Board approved training program. After they receive their registration it has to be posted in the pharmacy. It is up to the permit holder of the employee to assure that the registration is posted and both the employee and the technician are accountable for ensuring that the registration is renewed on time.</p>		
IV. Other Business	A. M. Souranis	<p>M. Souranis reported that the Maryland Board of Pharmacy received an invitation from the Maryland Alcohol & Drug Abuse Administration to discuss a statewide drug overdose prevention plan. The Board has not received the dates for the meeting yet. M. Souranis asked for Board representation and R. Matens volunteered.</p>		

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	B. Drug Therapy Management	The DTM did not meet in the month of May. However, the Board has been assured by Robin Bailey, Physicians' staff representative, who that the agreed upon committee recommendations will go on the Board of Physicians agenda for their next Board meeting in June. A. Jeffers received an email from Delegate Rudolph asking about the status of DTM program. He received a complaint from an unidentified applicant who expressed concerns about the extensive delays in the approval of protocols. L. Naesea prepared a response on behalf of the Board to inform Del. Rudolph of the events related to the approval of pending applications. The Board of Pharmacy voted in December 2010 to approve the protocols that were reviewed by the Committee since they reviews had taken place at least 60 day earlier. Both Boards have to approve protocols, however.		
V. Adjournment	M. Souranis, Board President	<p>The Public Meeting was adjourned at <u>12:00 p.m.</u></p> <p>B. At <u>12:25 P.M.</u> M. Souranis convened a Closed Public Session to conduct a medical review of technician applications.</p> <p>C. The Closed Public Session was adjourned at <u>1:00 P.M.</u> Immediately thereafter, M. Souranis convened an Administrative Session for purposes of discussing confidential disciplinary cases. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Administrative Session.</p>	<p>D. Chason made a motion to close the Public Meeting and open a Closed Public Meeting.</p> <p>L. Israbian-Jamgochian seconded the motion.</p>	Board Action: The Board voted to approve the motion.